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AUG 19 2013

S/027/6093  
cc: Peter  
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**United States Department of the Interior**

DIV. OF OIL, GAS & MINING

**BUREAU OF LAND MANAGEMENT**

Fillmore Field Office

95 East 500 North

Fillmore, UT 84631

<http://www.blm.gov/ut/st/en/fo/fillmore.html>



IN REPLY REFER TO:  
3809 (UTW02000)  
UTU-86063

August 16, 2013

CERTIFIED MAIL # 7013 0600 0001 7756 3909  
RETURN RECEIPT REQUESTED

**DECISION**

Mr. David L. Penney  
Penney Gemstones  
P.O. Box 312  
Beaver, Utah 84713

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:  
: 43 CFR 3809 - Surface Management  
:  
: Notice  
:

**Proposed Plan of Operations Inactive – Case Closed**

Your Proposed Plan of Operations case file for mining in the Lawson Cove area of Millard County, Utah has been inactive since 2008. The proposed Plan of Operations on Bureau of Land Management (BLM) land is located in aliquot parts of Township 25 South, Range 15 West, Salt Lake Meridian. An exploration Notice, UTU-78293, now expired, had earlier been proposed for the same location. The Utah Division of Oil, Gas and Mining (DOGM) file number is S/027/0093 for both the BLM Notice, UTU-78293, and the BLM Plan of Operations, UTU-86063.

No surface disturbance activity was conducted in the area of the proposed Plan of Operations, and the exploration activity proposed for the expired Notice was not completed. The Pending Plan of Operations had been assigned Bureau of Land Management (BLM) case file number UTU-86063. Please refer to this number in any future communication concerning the Notice.

We have received no additional information concerning this proposal for approximately five years, and the material proposed for extraction under this proposed Plan of Operations is identical to the carbonate rock available for purchase from the adjacent Community Pit, UTU-63417. This Pending Plan of Operations case file will therefore be closed.

Appeal of the Decision for Closure - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR § 3809.804, you may request that the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR § 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision concerning your request for review of this decision within



21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below). If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the FFO at, 95 East 500 North, Fillmore, Utah 84631 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

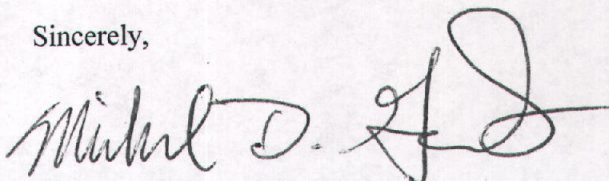
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied
2. The likelihood of the appellant's success on the merits
3. The likelihood of immediate and irreparable harm if the stay is not granted
4. Whether the public interest favors granting the stay

If you have any questions about this case file and closure, please contact Duane Bays, FFO Natural Resource Specialist, at 435-743-3115, or Jerry Mansfield, FFO Geologist, at 435-743-3125.

Sincerely,



Michael D. Gates  
Field Manager

Enclosure: Form 1842-1

cc:

Paul Baker

UDOGM

1594 W North Temple Ste 1210

Salt Lake City, UT 84114

Opie Abeyta (UT-923)

Utah State Office/ BLM

PO Box 45155

Salt Lake City, UT 84145-0155